

GEORGIA BOARD OF CHIROPRACTIC EXAMINERS
Board Meeting
September 16, 2010
Professional Licensing Boards
237 Coliseum Drive, Macon, GA 31217
10:00 a.m.

A meeting of the Georgia Board of Chiropractic Examiners was held on Thursday, September 16, 2010, at the Professional Licensing Boards, 237 Coliseum Drive, Macon, Georgia.

The following Board members were present:	Others Present:
Karen Mathiak, D.C., President Gregory Baker, D.C. J. Chris Nelson, D.C. David Wren, D.C. Jeff Slocum, D.C.	Anita Martin, Executive Director Graham Barron, Assistant Attorney General Carol White, Board Support Specialist Bob Alpert, D.C. Scott Bertrand, D.C. Carlon Novack, M.D.

Karen Mathiak, D.C. established that a quorum was present and the meeting was **called to order** at 10:20 a.m.

Approval of minutes from the July 22, 2010 board meeting. Dr. Baker made a motion to approve. Dr. Nelson seconded the motion and it carried unanimously.

Licenses to ratify. Dr. Baker made a motion to ratify licenses. Dr. Slocum seconded the motion and it carried unanimously.

License Number	Name	License Type
CHIR008687	Bollinger, Christine Jean	Chiropractor
CHIR008688	O'Connor, Timothy John	Chiropractor
CHIR008689	Pritt Jr, Donald Spangler	Chiropractor
CHIR008690	Wolfertz, Matthew Tyler	Chiropractor
CHIR008691	Hugh, Dariana Alexis	Chiropractor
CHIR008692	Heard, Hailey Elizabeth	Chiropractor
CHIR008693	Madsen, Erik Romer	Chiropractor
CHIR008694	Burch, Eugene Arthur, II	Chiropractor
CHIR008695	Clavell, Samuel Orlando	Chiropractor
CHIR008696	Oh, Kyung S	Chiropractor
CHIR008697	Kuhlmeier, Craig J	Chiropractor
CHIR008698	Thompson, Roberta S	Chiropractor
CHIR008699	Ho, Pui Wing	Chiropractor
CHIR008700	Yang, Josee	Chiropractor
CHIR008701	Foran, Tatyana Shaverdina	Chiropractor
CHIR008702	Karzin, Stacy L.	Chiropractor
CHIR008703	Harris, Nikki K	Chiropractor
CHIR008704	Batchelor, Roger Benjamin	Chiropractor

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CHIR008705	Spiva, Keesha	Chiropractor
CHIR008706	DiMartino, Jeremy Thomas	Chiropractor
CHIR008707	Walker, Venessa-Ann Elese	Chiropractor
CHIR008708	McGehee, Jennnifer Ann	Chiropractor
CHIR008709	Davis, Kathryn Elizabeth	Chiropractor
CHIR008710	Kim, Charles Byung Yul	Chiropractor
CHIR008711	Kender, Andrew Joseph, III	Chiropractor
CHIR008712	Huntsman, Mark Leslie	Chiropractor
CHIR008713	Handt, Morgan Ashley	Chiropractor
CHIR008714	Herbst, Elizabeth Marie	Chiropractor

REINSTATEMENTS

CHIR005023	Ugolik, Lori Lee	Chiropractor
CHIR007856	Hagerich, Edward Anthony	Chiropractor
CHIR006359	Mirolli, Kim A	Chiropractor

Consideration to post Board Rule 100-4-.01 Advertising and Board Rule 100-7-.04, Standards of Practice. Dr. Baker made a motion to post Board Rule 100-4-.01 and Board Rule 100-7-.04. Dr. Wren seconded the motion and it carried unanimously.

100-4-.01 Advertising.

(1) Defined. Advertising shall mean any information communicated in a manner designed to attract public attention to the practice of the licensee or the chiropractic profession. Advertising shall include but not be limited to any communication which is published, displayed, printed, broadcast, or spoken including the use of newspapers and other publications, telephone directories, pamphlets, handouts, billboards, window displays, radio, television, telephone, computer, internet, fax or other telecommunication device or any other means or medium.

(2) A licensee shall not make any false, misleading, or deceptive communication in any form of advertising nor shall the licensee utilize any form of advertising which has the capacity or tendency to deceive, mislead, or confuse the recipient in any manner including but not limited to the following:

(a) Advertising which contains a misrepresentation of any fact or facts including advertising which has the capacity or tendency to mislead, deceive, or confuse any potential recipient either through false or misleading claims or by failing to disclose relevant or material facts;

(b) Advertising which conveys the impression of professional superiority or other superior attributes that cannot be substantiated. ~~Licensees may not advertise that they have certifications or have attained diplomate status without having been conferred the title of diplomate or having received certifications by one or more of the following boards:~~

~~(i) Diplomate American Chiropractic Board of Radiology (DACBR);~~

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- ~~(ii) Diplomate American Chiropractic Rehabilitation Board (DACRB);~~
- ~~(iii) Diplomate American Chiropractic Board of Nutrition (DACBN);~~
- ~~(iv) Diplomate American Board of Chiropractic Internists (DABCI);~~
- ~~(v) Certification Chiropractic Sports Physicians (CCSP);~~
- ~~(vi) Diplomate American Board of Chiropractic Orthopedics (DABCO);~~
- ~~(vii) Diplomate American Board of Forensic Professionals (DABFP);~~
- ~~(viii) Diplomate American Chiropractic Academy of Neurology (DACAN);~~
- ~~(ix) Certification American Chiropractic Board of Thermologists (CACBT)~~
- ~~(x) Diplomate American Board of Chiropractic Neurology (DABCN)~~
- ~~(xi) Diplomate American Chiropractic Board of Sports Physicians (DACBSP);~~
- ~~(xii) Diplomate American Chiropractic Board of Occupational Health (DACBOH);~~
- ~~(xiii) Diplomate American Chiropractic Neurology Board (DACNB);~~
- (c) Advertising that has the capacity or tendency to create false or unjustified expectations of beneficial treatment or successful cures;
- (d) Advertising that contains any guarantee of the results of any services;
- (e) Advertising of services that the licensee is not licensed to perform in this state;
- (f) Advertising, including that place in a classified or telephone directory, under a heading which may foster confusion about the professional status of the chiropractor or under a professional heading in which the chiropractor is not licensed;
- (g) Advertising a transaction that is in itself illegal;
- (3) Chiropractors licensed under this chapter may only use the terms chiropractor, chiropractors, doctors(s) of chiropractic, and/or D.C. The use of the term Chiropractic Physician is not authorized.
- (4) Licensees may advertise that they will perform designated chiropractic services free or at a discount if, in fact, no compensation in any form for such services will be requested from the patient, their insurer, or any third party subject to the following provisions:
 - (i) A detailed account of the advertised services being offered free or at a discount must be presented in writing to, and signed by, the patient, clearly explaining that **ANY FURTHER TREATMENT WILL BE PROVIDED AT RATES REGULARLY CHARGED BY THIS OFFICE**. A copy of this document must be given to the patient and the original must be maintained in the patient record in keeping with Rule 100-10-.01(h)(i) which requires that such records be retained for not less than ~~seven (7)~~ ten (10) years from the date of service.
 - (ii) If a charge is made for any service rendered on the same day that an advertised free or discounted service is rendered, a detail account of those services offered for a fee must be provided in writing to, and signed by the patient, clearly explaining that these treatments are not a part of any offer of free or discounted services. A copy of this document must be given to the patient and the original must be maintained in the patient record in keeping with Rule 100-10-.01(h)(i) which requires that such records be retained for not less than ~~seven (7)~~ ten (10) years from the date of services.
 - (iii) For the purpose of this Section, no separate charge shall be made for the

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professional evaluation of diagnostic tests or procedures which are provided without cost or at a discount whether such professional evaluation is made at the time of the initial office visit or at a later date.

(5) Nothing in this Section shall be so interpreted as to interfere with or prohibit fee discounts or offers of discounted fees in connection with any managed care plan, group plan, Medicare, or similar entity.

Authority O.C.G.A. Secs. _____

100-7-.04 Standards of Practice.

(1) For the purposes of this Section, standards of practice shall include, but not be limited to, the following:

(a) Knowingly performing an act which in any way aids, assists, procures, advises, or encourages any unlicensed person to practice chiropractic;

1. Nothing in this Section shall prohibit the activities authorized in O.C.G.A. 43-9-7.2(3)(A) and (B).

(b) failing to conform or comply with the minimum standards of acceptable and prevailing chiropractic care;

1. Chiropractic care shall include offering or rendering a professional chiropractic opinion, which has the capacity or intent of affecting the frequency, duration, necessity, or outcome of chiropractic treatment or patient care. Any person rendering such a chiropractic opinion in Georgia must identify themselves by name, degree designation, location of practice, and Georgia chiropractic license number.

(c) Failing to release patient information to another healthcare professional or any other authorized person upon proper written authorization by the patient.

(d) It shall be considered unprofessional conduct to deny care for a covered condition or service by a review agent when there is a reasonable expectation for improvement or the patient is demonstrating a reasonable rate of improvement. A reasonable rate of improvement would be influenced by condition chronicity, patient age, co-morbid factors, frequency of care and exposure to activities that would impede progress.

(e) It shall be considered unprofessional conduct to deny care for a covered condition or service by a review agent for care to prevent the deterioration of a condition once the patient has achieved maximum clinical improvement, if sufficient evidence exists demonstrating that reduction or withdrawal of care has and will continue to have a deleterious effect on the patient.

(f) It is considered unprofessional conduct for any chiropractor to enter into a financial contract which obligates a patient for care or payment for care using coercion, duress, fraud, over-reaching diagnosis, harassment, intimidation or undue influence.

~~(g) It is considered unprofessional conduct for any chiropractor to enter into a financial contract which would obligate a patient to pay for care to be rendered in the future unless a pre-arranged and agreed upon refund policy is in place at the time of the contracts execution.~~ It is considered unprofessional conduct for any chiropractor to enter into a financial contract in any amount exceeding \$2,000. There is no restriction regarding the number of such

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contracts that can be executed, provided that any subsequent contracts are executed consecutively and only upon determination of clinical need.

(h) Any chiropractor who enters into a pre-payment financial contract with a patient shall determine and record the patient's clinical objective for which the pre-paid care is designed to achieve and provide the patient with a copy of this objective. It is considered unprofessional conduct for any chiropractor to enter into a financial contract which would obligate a patient to pay for care to be rendered in the future unless a pre-arranged and agreed upon refund policy is in place at the time of the contracts execution and a copy of the policy is provided to the patient.

(j) Any chiropractor who enters into a pre-payment financial contract with a patient shall determine and record the doctor's and patient's clinical objective for which the pre-paid care is designed to achieve and provide the patient with a copy of this objective.

Authority O.C.G.A. Secs _____

Consideration of amendments to 150-5-.02 Approval of Educational Programs. Dr. Baker made a motion to post amendment to Board Rule 150-5-.02. Dr. Wren seconded the motion and it carried unanimously.

100-5-.02 Continuing Education Requirements and Approval of Educational Programs.

(1) A chiropractor must obtain a minimum of twenty (20) hours of continuing education per annum. Of these twenty (20) hours, fifteen (15) must be in chiropractic clinical science and must be on a topic in compliance with the current scope of practice, four (4) hours must be in ethics or risk management, and one (1) hour must be in Georgia Laws and Rules (NOTE: non-resident chiropractors, licensed but not practicing in Georgia, may take an additional hour of continuing education in the chiropractic clinical sciences or risk management in lieu of the required hour in Georgia Laws and Rules).

(a) Approved areas of study to satisfy the fifteen (15) hours in chiropractic clinical science are:

1. Examination Procedures/Diagnoses
2. Adjustive Technique
3. Radiographic Technique/Safety
4. Diagnostic Imaging Interpretation
5. Nutrition
6. Research Trends
7. Physiological Therapeutics
8. Chiropractic Philosophy; a maximum of 3 hours credit in chiropractic philosophy will be considered by the Board for continuing education approval.
9. Clinical documentation; a maximum of 4 hours credit in clinical documentation will be considered by the Board for continuing education approval.

(b) Approved areas of study to satisfy the four (4) hours in ethics or risk management are:

1. Risk Management
2. Chiropractic Medical/Legal
3. Public Health Issues

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4. Professional Conduct/Boundaries Issues

5. Scope of Practice.

(c) Non-resident chiropractors, licensed but not practicing in Georgia, may take an additional hour of continuing education in the chiropractic clinical sciences or risk management in lieu of the required hour in Georgia Laws and Rules.

(d) Courses specifically excluded from continuing education approval include, but are not limited to the following:

1. Insurance Billing, Reporting, Coding and Procedures.

2. Practice Management or Practice Building.

3. Courses which have content beyond the scope of practice as defined by Georgia law.

(e) Current members of the Georgia Board of Chiropractic Examiners shall receive four (4) hours of continuing education credit in ethics or risk management and one (1) hour of continuing education credit in Georgia laws and rules during each year that they serve on the Board.

(f) Licensees that assist with the administration of the National Board of Chiropractic Examiners National Board Examination shall receive fifteen (15) hours of clinical science continuing education credit per each examination administration, four (4) hours of continuing education credit in ethics or risk management and one (1) hour of continuing education credit in Georgia laws and rules.

(2) Courses must be those in which actual attendance by the licensee shall be required. However, distance based learning courses offered via audio/visual electronic media, such as the internet, may be approved by the Board if the course meets the following criteria:

(a) The course must meet all of the requirements as cited in this Rule.

(b) The program must be test and time monitored to insure active participation by the licensee.

(c) No more than twenty (20) hours per biennial renewal period can be taken via audio/visual/electronic media, such as on-line/internet courses.

Authority O.C.G.A. Secs. _____

Executive Director's Open Session – Ms. Anita Martin

- Ms. Martin stated the renewals should be live around the first part of October 2010.
- Ms. Martin stated there will be a notification of renewal by email and licensees can change their email address on-line.

Miscellaneous-

- Scott Betrand, D.C., Carlon Novack, M.D. and Bob Alpert, D.C. had a discussion with the board on the practice of manipulation under anesthesia. Some of the issues discussed were:
 - *Require ACLS certification
 - *Educational programs and training requirements to allow training only by CCE colleges in a post graduate setting. Some of those colleges that offer MUA training are NYCC, Logan, National, Bridgeport and Texas Chiropractic College
 - *Require a minimum of 30 credit hours

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*MUA must only be conducted in an accredited facility

*Consider following NMCIC/OUM standards for MUA malpractice coverage.

Executive Session

Dr. Nelson made a motion, Dr. Baker seconded and the Board voted to enter into Executive Session in accordance with O.C.G.A. §43-1-19(h) (2) and §43-1-2 (k) to deliberate and receive information on applications, investigative and the Assistant Attorney General's report. Voting in favor of the motion were those present who included Dr. Wren and Dr. Slocum. The Board concluded Executive Session in order to vote on the matters and to continue with the public session.

1. **Correspondence from Jack Levy regarding R.D.L., applicant:** The Board viewed as informational and no action will be taken in this matter.

Appointments:

11:00 a.m. - S.F.S. – Applicant. – Dr. Nelson made a motion to approve with a letter of concern. Dr. Wren seconded the motion and it carried unanimously.

Applications/Licensure:

1. J.M.T. – Reinstatement Applicant – Dr. Baker made a motion to refer to OIG for a Cease and Desist and to deny reinstatement. Dr. Nelson seconded the motion and it carried unanimously.
2. J.S.C. – Reinstatement Applicant – Dr. Baker made a motion to notify applicant that he must have 40 hours before he can be reinstated. Staff will let him know how many hours are still needed. Dr. Wren seconded the motion and it passed unanimously.
3. W.E.S. – Chiropractic Applicant – Dr. Wren made a motion to schedule an investigative interview. Dr. Nelson seconded the motion and it carried unanimously.
4. L.H.S. – Chiropractic Applicant – Dr. Wren made a motion to approve. Dr. Nelson seconded the motion and it carried unanimously.
5. R.D.S. – Chiropractic Applicant – Dr. Baker made a motion to approve. Dr. Wren seconded the motion and it carried unanimously.

Cognizant/Investigative Reports:

- Dr. Nelson made a motion, Dr. Baker seconded and the Board voted to accept the recommendations on the investigative report.

Attorney General's Report – Graham Barron

- Mr. Barron updated the Board on the cases in his office and provided advice and information to the Board.

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There being no further business to come before the Board, the meeting was adjourned at 2:44 p.m. on September 16, 2010.

Minutes prepared by: Carol White, Board Secretary

Reviewed/Edited by: Anita Martin, Executive Director